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Filed 6/18/2001
Attorney docket no. BEA920010006US1

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REMARKS

Claim rejections under 35 USC 102

Claims 1-3, 6-15, and 19-20 have been rejected under 35 USC 102(e) as being anticipated by Sharma (6,766,165). Claims 1, 11, and 15 are independent claims, from which the remaining pending claims ultimately depend. Applicant submits that as previously amended, claims 1, 11, and 15 are patentable over Sharma, such that all of the claims are patentable over Sharma.

The claimed invention is limited to a mobile wireless console managing a resource by *directly* communicating wirelessly with the resource. It is this *direct communication* between a mobile wireless console and the resource *being managed* thereby that Applicant submits is not found in Sharma.

Applicant first summarizes black letter law as to anticipation under 35 USC 102(b) before describing how and why Sharma does not anticipate the claimed invention. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." W.L. Gore & Assocs. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). It is not enough that the reference disclose all the claimed elements in isolation. Rather, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Thus, even if a prior art reference includes all the elements that are claimed, if the arrangement of the claimed elements is different from the arrangement of the prior art elements, anticipation will not be present.

The distinction that Applicant is making between the claimed invention and Sharma is as follows. The claimed invention is limited to a resource, and a mobile wireless console that manages the resource. Sharma teaches these two elements of the claimed invention. However, these two elements of the claimed invention are arranged in the claims such that the mobile wireless console *directly* communicates wirelessly with the resource that is being managed. It is

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this aspect of the claimed invention – the particular arrangement of the claimed elements, such that the mobile wireless console *directly* communicates wirelessly with the resource being managed – that Applicant submits is not found in Sharma, as is now described in detail.

Sharma discloses the following:

[A] network management server is provided to control a network asset on a network. The network asset is connected to the network management server via a connection path. A secure communication path is established between the network management server and a mobile wireless capable device. The network asset is managed via the secure communication path with the mobile wireless capable device.

The network management server controls a network asset on a network. The network asset is connected to the network management server via a connection path. The remote wireless transceiver communicates with the network management server via an internet. The mobile wireless capable device communicates with the network management server via the remote wireless transceiver to manage the network asset and to administer the network.

(Col. 3, ll. 17-28, 45-53) The network asset of Sharma corresponds to the resource of the claimed invention that is being managed, and the mobile wireless capable device of Sharma corresponds to the mobile wireless console of the claimed invention. However, in Sharma, the mobile wireless console does not *directly* communicate wirelessly with the resource being managed, as is arranged in the claimed invention. Rather, Sharma is quite clear, as noted in the excerpt above, that the mobile wireless console (i.e., the mobile wireless capable device) communicates wirelessly with the network management server in order to manage the resource (i.e., the network asset). That is, in Sharma the mobile wireless console/mobile wireless capable device never *directly* communicates wirelessly with the resource/network asset being managed. Therefore, Sharma cannot anticipate the claimed invention, because its disclosed elements are not arranged as they are in the claimed invention.

In the Final Office Action, the Examiner has equated the network management server 114 of FIG. 1 as the resource element of the claimed invention. However, as noted above, the

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network management server is not a resource in Sharma that is managed. As is further stated in Sharma:

The mobile wireless capable device 122 communicates with the NMS 114 and is preferably provided with management capability over assets on the enterprise 102 network. These assets may include, for example, the network assets 116, 118, 120, network assets in a PAN, for example a wireless PAN, or any combination of network assets as suitable.

(Col. 7, ll. 2-8) Thus, it is incorrect to equate the network management server 114 with the resource element of the claimed invention, since the network management server 114 is not managed in Sharma. A correct reading of Sharma would be to equate one of the network assets 116, 118, and 120 with the resource element of the claimed invention, since they are what is managed in Sharma. However, correctly interpreting Sharma in this respect means that Sharma does not anticipate the claimed invention, because the mobile wireless capable device 122 of Sharma does not directly communicate wirelessly with the network assets 116, 118, and 120, but rather only directly communicates wirelessly with the network management server 114.

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Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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